

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEVIN SMITH-EL, #166532,

Petitioner,

v.

Case No. 07-CV-12979
Honorable Anna Diggs Taylor

JERI-ANN SHERRY,

Respondent.

ORDER DENYING MOTION FOR REHEARING AND/OR RECONSIDERATION

This matter is before the Court on Petitioner's motion for rehearing and/or reconsideration regarding this Court's order denying Petitioner's motion for a default judgment against Respondent, dated February 14, 2008 (Docket #13). In this motion, Petitioner states that he has not received a copy of Respondent's answer to his position.

A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Here, the Court properly denied Petitioner's motion, finding, "[o]n July 19, 2007, this Court issued an order requesting Respondent to answer Petitioner's petition for writ of habeas corpus by January 25, 2008 (Docket # 4). Respondent filed its answer on January 23, 2008 (Docket # 10). Thus, Petitioner's motion is moot." *See Court's Order*, dated February 14, 2008.

The Court therefore finds Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3).

Accordingly,

IT IS ORDERED that Petitioner's motion for reconsideration (Docket # 13) is **DENIED**. Additionally, the Court orders the Clerk of the Court to provide Petitioner with a copy of Respondent's answer to his petition (Docket # 10), at no cost to him, to his address at the Chippewa Correctional Facility.

s/ Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

Dated: March 18, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Order was served upon Petitioner by First Class U.S. mail on March 18, 2008.

Kevin Smith, #166532
Chippewa Correctional Facility
4269 W. M-80
Kincheloe, MI 49784

s/Johnetta M. Curry-Williams
Case Manager